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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 18TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE A.J. SADASHIVA

WRIT PETITION No. 10396/1994

BETWEEN:

Sri C.Somashekar, s/o  
Chennaiah Chetty, major,  
r/o No.67, Sathashraya, 2nd  
Cross, J.P.Nagar, III Stage,  
Bangalore-78.

.. Petitioner

(By Sri M.Manjunath, Adv.,)

AND:

1. The State of Karnataka by  
its Secretary, Revenue Dept.,  
M.S.Bldg., Bangalore-1.
2. The Special Land Acquisition  
Officer, Podium Block,  
Vishveshwararajah Tower, Ambedkar  
Veedhi, Bangalore-1.
3. The Bangalore City Co-operative  
Housing Society Ltd., by its  
Secretary, Seethapathy Agrahara,  
Bangalore-2. .. Respondents

(By Sri K.H.Jagadish, GA, for R1 & 2;  
M/s.Shetty & Hegde Adv., for R3)

This Writ Petition filed under Articles 226 and 227 of the Constitution of India, praying to quash the impugned final notification dtd. 25.9.89 in No. LAQ-ISR 5/88-89 vide Annex-C and etc.,

This Writ Petition coming on for hearing this day, the Court made the following :-

## O R D E R

It is not in dispute that the challenge to the acquisition of lands under the notifications impugned in this petition in various petitions has been negatived by this Court in W.P.Nos.28577-86/1995 and connected petitions. It is also not in dispute that the said decision was affirmed by the Supreme Court by its order dated July 23, 1997 in SLP (C) No. 12012-17/1997.

2. The petitioner has also contended that, the acquisition has lapsed for not making the award in accordance with section 11 and section 11A of the Land Acquisition Act. It is submitted by Sri.Srinivas, the learned Counsel appearing for respondent-3 that the award has been made on June 23, 1990 and the same was approved by the Government on March 11, 1991 within 2 years from the date of declaration. Sri. Manjunath is unable to dispute this contention.

3. Even otherwise, this petition is liable to be dismissed also on the ground of delay and laches as the petition was filed in 1994 challenging the declaration made in the year 1989 without showing sufficient cause for the delay.

4. For the reasons aforesaid, this petition fails and accordingly dismissed. Rule discharged.

5. In the circumstances of the case, there is no order as to costs.

6. Sri.K.H.Jagadish, the learned HCGA, is permitted to file memo of appearance within four weeks.



Sd/-  
JUDGE

ckl/18698